

## Construction and Farm Equipment Preemption

### Previously Classified Off-Road Equipment

(a) Equipment equipped with engines less than 25 horsepower. All equipment types equipped with engines under 25 horsepower are presumed not to be construction or farm equipment, with the exception of the following equipment types, which have been determined to be construction or farm equipment:

Aerial devices: vehicle mounted  
Asphalt recycler/reclaimer, sealer  
Augers: earth  
Back-hoe  
Backpack Compressors  
Baler  
Boring machines: portable line  
Breakers: pavement and/or rock  
Brushcutters/Clearing saws 40 cc and above (blade capable only)  
Burners: bituminous equipment  
Cable layers  
Chainsaws 45 cc and above  
Chippers  
Cleaners: high pressure, steam, sewer, barn  
Compactor: roller/plate  
Compressors  
Concrete buggy, corer, screed, mixer, finishing equipment  
Continuous Digger  
Conveyors: portable  
Crawler excavators  
Crushers: stone  
Cultivators: powered  
Cutting machine  
Debarker  
Detassler  
Drills  
Dumper: small on-site  
Dusters  
Elevating work platforms  
Farm loaders: front end  
Feed conveyors  
Fertilizer spreader  
Forage box/Haulage and loading machine  
Forklifts: diesel and/or rough terrain  
Harvesters, crop  
Jackhammer  
Light towers  
Mixers: mortar, plaster, grout  
Mowing equipment: agricultural  
Mud jack

Pavers: asphalt, curb and gutter  
Pipe layer  
Plows: vibratory  
Post hole diggers  
Power pack: hydraulic  
Pruner: orchard  
Pumps 40 cc and above  
Rollers: trench  
Saw mill: portable  
Saws: concrete, masonry, cutoff  
Screeners  
Shredder/grinder  
Signal boards: highway  
Silo unloaders  
Skidders  
Skid-steer loaders  
Specialized fruit/nut harvester  
Sprayers: bituminous, concrete curing, crop, field  
Stump cutters, grinders  
Stumpbeater  
Surfacing equipment  
Swathers  
Tampers and rammers  
Tractor: compact utility  
Trenchers  
Troweling machines: concrete  
Vibrators: concrete, finisher, roller  
Welders  
Well driller: portable  
Wheel loaders

(b) Equipment equipped with engines 25 horsepower or greater. Equipment types equipped with engines 25 horsepower or greater are presumed to be construction or farm equipment, with the exception of the equipment types listed below, which have been determined not to be construction or farm equipment.

Aircraft Ground Power  
Baggage Handling  
Forklifts (not rough terrain) less than 50 horsepower, not powered by diesel engines  
Generator Sets  
Mining Equipment not otherwise primarily used in the construction industry  
Off-Highway Recreational Vehicles  
Other Industrial Equipment  
Refrigeration Units less than 50 horsepower  
Scrubbers/Sweepers  
Tow/Push  
Turf Care Equipment